

Remarks:

In the Office Action mailed on March 17, 2010 the Examiner rejected claims 1-8, 11 and 12¹. Claims 1, 8, and 11 are amended herein. Claims 9-10 were previously cancelled. Claims 1-8, 11 and 12 are pending in the application.

The Claims

35 USC 102

Claims 1-8 and 11-12¹ were rejected under 35 U.S.C. 102(e) as being anticipated by Lin, (US 5,615,267 hereinafter “Lin”). Applicants traverse the rejection.

Anticipation under 35 U.S.C. 102(e) requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. That standard cannot be met with Lin.

Applicants have amended Claims 1, 8 and 11 to more clearly identify that the method relates to synchronizing authentication algorithms used by a device (CARD) and a data processing device (SERV). As such, the Claims are directed to a method patentably distinct from the disclosure of Lin.

The problems addressed by Applicants and Lin are quite different from one another and it is not surprising that the claimed invention is quite different from the technology described in Lin. Applicants address the problem of economically change from one pre-installed authentication algorithm to another pre-installed authentication algorithm so that if the second algorithm becomes the preferred mechanism for performing authentications a switch may be performed rather than downloading the second authentication algorithm at a later stage. The switch is intended to be

¹ The summary page does not list Claim 12 as being rejected. However, the Detailed Action does indicate Claim 12 as being rejected. Conversely, the Summary Page does list Claim 7 as being rejected and Claim 7 is mentioned on Page 4 in the body of the rejection under 35 USC 102. However, on Page 2 where the rejection is formally stated, Claim 7 is not mentioned. Applicant infers the intent to reject Claim 12 and Claim 7 as anticipated by Lin.

permanent. Applicants have clarified this by amending the independent claims to include the limitation “permanently deactivating the first authentication algorithm.”

Lin, on the other hand, deals with a dynamic switching back-and-forth between two different authentication algorithms. Lin observes that “the WS Scheme makes the most efficient use of authentication signal traffic ... when the customer changes [registration areas]” (Lin, Col. 1, Lines 64 – 66) and “the S Scheme, makes efficient use of authentication signal traffic where the customer makes or receives more calls than registers into new RAs” (Lin, Col. 2, Lines 3 – 5). Lin further observes that “there is a tradeoff between the two schemes depending on the customer’s call-to-mobility ratio” (Lin, Col. 2, Lines 13 – 14). Examination of Lin’s Figure 7 and the accompanying text (Lin, Col. 5, Line 48 – Col. 6, Line 26) reveals that the selection of authentication scheme switches back and forth between the S Scheme and the WS Scheme. Thus, it is clear that Lin does not teach or suggest “a step for switching from the first authentication algorithm (Algo1) to the second authentication algorithm (Algo2) including permanently deactivating the first authentication algorithm (Algo1)” (Claim 1, and analogous limitations in Claims 8 and 11). In fact, doing so would make Lin inoperable for its intended purpose.

For the foregoing reasons, Claim 1 is not anticipated by and is not obvious over Lin and should be allowed. Independent claims 8 and 11 recite analogous limitations and are patentable over Lin for at least the same reasons given in support of Claim 1.

Claims 2-7 depend from Claim 1 and Claim 12 depends from Claim 11. These claims incorporate all the limitations of their respective base claims, provide new and non-obvious combinations, are patentable for the reasons given in support of the base claims and by virtue of such further combinations.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

CONCLUSION

It is submitted that all of the claims now in the application are allowable. Applicants respectfully request consideration of the application and claims and its

early allowance. If the Examiner believes that the prosecution of the application would be facilitated by a telephonic interview, Applicants invite the Examiner to contact the undersigned at the number given below.

Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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